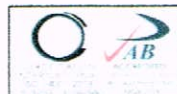




APEX MINING CO., INC.

Masara, Maco, Compostela Valley Province



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I. POLICY STATEMENT

Apex Mining Company, Inc. (AMCI) values the dignity of employees and respects their rights. AMCI is committed to providing a safe environment for all workers free from any form of discrimination and harassment, including sexual harassment.

AMCI will not tolerate any behavior that amounts to sexual harassment and any officer or employee found to have committed sexual harassment shall be subjected to disciplinary action which can result to termination of employment. It commits to increase awareness of the value of respecting the dignity of each worker as a pro-active measure to prevent incidents of sexual harassment.

II. SCOPE

This policy shall apply to all employees of Apex Mining Company, Inc., irrespective of rank, and other workers assigned in AMCI mine site and head office, subject to the following guidelines.

III. SEXUAL HARASSMENT DEFINED

AMCI has adopted, and its policy is based on, the definition of sexual harassment set forth in Section 3 of R.A. 7877. It provides that sexual harassment in workplace is committed by an employer, employee, manager, supervisor, agent of the employer, or any other person who, having authority, influence or moral ascendancy over another in a work environment, demands or otherwise requires any sexual favor from the other, regardless of whether the demand, requests or requirement for submission is accepted by the victim.

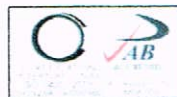
In a work-related or employment environment, sexual harassment is committed when:

1. The sexual favor is made as a condition in the employment, re-employment, or continued employment of the victim, or in granting him/her favorable compensation, terms and conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;
2. The above acts would impair the employees' rights or privileges under existing labor laws, or
3. The above acts would result in an intimidating, hostile, or offensive environment for the employee.



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IV. WHERE SEXUAL HARASSMENT IS COMMITTED

Sexual harassment may be committed in any work or training environment. It may include, but are not limited to, the following:

- 4.1. In or outside the office building or training site
- 4.2. In the course of work assignments outside the office
- 4.3. At work-related conferences, studies or training sessions or social functions, or
- 4.4. During work-related travels

V. FORMS OF SEXUAL HARASSMENT

Sexual harassment may be committed in any of the following forms:

- 5.1. Overt sexual advances
- 5.2. Unwelcome or improper gestures of affection
- 5.3. Request or demand for sexual favors including but not limited to going out on dates, outings, or the like for the same purpose
- 5.4. Unwanted physical, verbal or visual sexual advances
- 5.5. Any other act or conduct of a sexual nature or for purposes of sexual gratification which is generally annoying, disgusting or offensive to the victim.

VI. SEXUAL HARASSMENT: ITS PRESENCE OR ABSENCE

Sexual harassment refers to the act that is not welcome, personally offensive, debilitates morale and, therefore, interferes with work effectiveness. In determining its presence and degree, circumstances of time, place or occasion must be considered.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. In the workplace setting, there is no sexual harassment absent any of the following:

1. The offender possesses work-related authority, influence or moral ascendancy over the offended party; and
2. The offender made a demand, request or requirement of a sexual favor, advances which are of sexual nature to offended party.

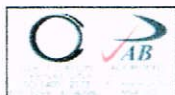
VII. EMPLOYER'S RESPONSIBILITY

AMCI undertakes to provide its officers and employees, including workers of its contractors, a work environment which is free of sexual harassment by management personnel, co-workers and others with whom officers and employees must interact in the course of their work. Sexual harassment is specifically prohibited as unlawful and as a violation of AMCI's policy and Code of Conduct. AMCI is responsible for preventing sexual



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harassment in the workplace, taking immediate corrective action to stop or deter sexual harassment in the workplace and for promptly investigating any allegation of sexual harassment.

7.1 COMMITTEE ON DECORUM AND INVESTIGATION

A Committee on Decorum and Investigation shall be constituted to be composed of the management and the employees' representative who will receive complaints, investigate and hear sexual harassment cases. The Committee shall develop its own internal rules in the settlement and disposition of sexual harassment cases. The Committee shall also develop and implement programs to increase understanding and awareness about sexual harassment.

7.1.1. Functions

A Committee on Decorum and Investigation is hereby constituted with the following main responsibilities:

- Receive complaints, investigate and hear sexual harassment cases
- Prepare report and make recommendation to the Resident Manager (RM) on the decision of the sexual harassment case
- Conduct meetings and orientations with AMCI employees and other workers to increase awareness and prevent incidents on sexual harassments.

7.1.2. Composition

The Committee shall be composed of the following:

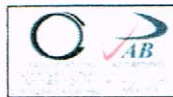
- Head of the Legal Department who will act as the Chairman
- Head of Human Resources Division, or his designated representative, who will act as the Co-Chairman
- Department/Area Manager of the offender, or immediate superior of the offender if the latter holds a position of Division Manager or higher
- Employees' Representative

In the event that a member of the Committee is a party to the complaint, either as a complainant or a respondent, she/he shall inhibit herself/himself from investigating and hearing the case and an *ad hoc* substitute shall be appointed by the RM from among the officers of the same rank/level with that of the Committee member who inhibits.



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VIII. PROCEDURE ON SEXUAL HARASSMENT CASES

A. COMPLAINT

Any employee or worker assigned in AMCI, who experiences or witnesses any act of sexual harassment in the workplace shall report the same immediately to the **Committee on Decorum and Investigation**. All allegations of sexual harassment will be promptly investigated. To the extent possible, the identity of such employee or worker shall remain confidential and that of any witnesses; the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, all parties will be informed of the outcome of the investigation.

8.1. Investigation and Hearing

8.1.1. Complaint

A sexual harassment case will be initiated by filing a written complaint addressed to the Chairman of the Committee and/or Resident Manager within **thirty (30) calendar days** from the happening of the incident.

Filing the complaint beyond the thirty (30) calendar day-period may still be done, although it may cast doubt on the veracity of the complaint if the delay cannot be justifiably explained by the complainant.

The complaint for sexual harassment shall contain the following:

- Full name and designation of the complainant
- Full name and designation of the respondent
- Specification of charges sufficient to constitute any of the offenses mentioned under Section V above
- Brief statement of facts with details as to date, time, place, persons present and other relevant circumstances including antecedent events, if any
- If there are witnesses to the incident whom the complainant wishes to present the complaint should be accompanied with sworn statements of the witnesses.

Upon receipt of the written complaint by the Chairman, he/she shall review the same and determine if there is sufficient ground to engender a belief in the mind of a reasonable person that a violation of this Policy has been committed by the respondent.

Should the complaint be too vague or too general, the Chairman may summon the complainant and require her/him to specify the acts complained of.



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Upon sufficiency of the complaint, the Chairman shall immediately convene the Committee to initiate the investigation and hearing process. A copy of the complaint will be sent to the respondent who will be given a period of **ten (10) calendar days** within which to file his/her written Answer, with proof that a copy of his/her Answer was furnished to the complainant.

No required form is prescribed for the Answer, it being sufficient for the respondent to deny, or admit, the charges against him/her. Preferably, however, the respondent should attach to the Answer pieces of evidence to support his defense such as affidavits of witnesses, if any.

A withdrawal of the complaint at any stage of the process will not bar the Committee from further hearing the case and submitting a report and recommendation to the Resident Manager.

8.1.2. Reply

Upon receipt of the Answer, the complainant may file a Reply to the Answer within five (5) calendar days from receipt of the latter.

8.1.3. Preventive Suspension

Upon receipt of the complaint, the Committee shall immediately deliberate on whether there are grounds to recommend to the RM the imposition of a preventive suspension on the respondent. Preventive suspension shall be imposed if there are reasonable grounds to believe that the continued presence of the respondent in the work premises poses a serious threat to the life or property of the employer or of his co-workers.

Preventive suspension shall not exceed thirty calendar (30) days, during which period the Committee shall exert all efforts to complete the investigation and hearing. Should it exceed 30 days, the respondent shall be reinstated to his former position.

8.1.4. Hearing

The Committee, must at all times, observe the requirements of administrative due process during the investigation. In the exercise of its function, the Committee may make recommendations on the decision of the case based on documentary evidences and the pleadings submitted, without calling for a formal hearing, should the evidence on record warrant the resolution of the case.

Should any party, however, request for a formal hearing, the Committee shall hear the case. In no case should the duration of the investigation and hearing exceed thirty (30) calendar days from the time one was called, except in extraordinary cases as may be determined by the Committee.



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Either party may avail of the services of a counsel.

During the hearing, the Committee Chairman, or anyone designated by him, shall personally conduct the hearing and shall determine the order of the presentation of evidence by the parties. He/she shall take full control of the proceedings and examine the parties and their witnesses. He/she may, however, allow the members of the Committee to propound questions to the parties and their witnesses. In all instances, the presentation of evidence shall be limited to matters relevant to the issues at hand and necessary for a just and speedy disposition of the case.

No postponement shall be granted, except in highly meritorious cases.

Notwithstanding the foregoing, the Committee shall have the discretion to follow any procedure that would best serve the purpose of the truth, fairness and equity without being bound by technical rules of evidence.

8.1.5. Report and Recommendation

Within fifteen (15) calendar days from the time the case is submitted for decision, the Committee will submit to the RM an investigation report and recommendation on the decision of the case. The quantum of proof to be used in determining issues is substantial evidence, or that amount of evidence sufficient to form a conclusion in the mind of a reasonable person.

The report and recommendation on the decision shall contain the relevant facts, the evidence presented, the findings on whether the respondent is liable, and the recommended penalty, if any, to be imposed on the respondent. If need be, the Committee shall also make suggestions on how to avert the occurrence of such incident.

8.1.6. Decision

Within fifteen calendar (15) days from receipt of the recommendation, the RM shall render a decision on the case. He may adopt or reject the recommendations, in whole or in part, modify the same or

direct that further investigation be conducted. The decision shall be in writing, stating forth the legal and factual bases thereof.

B. SANCTIONS AND DISCIPLINARY MEASURES

Anyone who has been found to guilty of sexually harassment under this Policy is liable to any of the following sanctions:



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- written reprimand
- adverse performance evaluation
- transfer
- suspension
- demotion
- dismissal

The nature of the sanctions will depend on the gravity and extent of harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.

IX. RETALIATION

AMCI will permit no employment retaliation against anyone who brings a complaint of sexual harassment or who speaks as a witness in the investigation of a complaint for sexual harassment.

X. WRITTEN POLICY

All officers and employees of AMCI shall receive a copy of this Sexual Harassment Policy and Guidelines upon assumption of their respective offices.

If at any time an officer, employee or workers of the contractors would like to request another copy of this Policy, he/she may contact the Committee on Decorum and Investigation. In case of amendment or revisions of this Policy, AMCI officers, employees and the contractors' workers will receive an individual copy of the amended or revised Policy.

XI. CONFIDENTIALITY

At the commencement of the investigation at the Committee, i.e., starting from the filing of a written complaint, all matters discussed, documents reviewed, testimonies heard and records of proceedings will be kept under the strictest confidence. It is the intention of AMCI that the rights of the parties, especially the innocent ones, are protected. At the same time, however, dignity and honor shall be preserved for all the parties concerned by keeping as confidential at all times, and even after the case resolution, all the information gathered through the investigation and hearing process.



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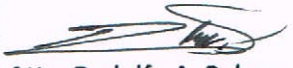
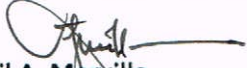
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XII. REFERENCE

The provisions of Republic Act No. 7877, otherwise known as the "Anti-Sexual Harassment Law" insofar as applicable, are hereby incorporated as integral part of this Policy.

<i>Prepared by:</i>	<i>Reviewed and Endorsed by:</i>	<i>Approved by:</i>
 Reynaldo C. Romero HR Manager /CG Date: <u>8/23/2017</u>	 Atty. Rodolfo A. Palma Legal Dept. & HR Div. Manager Date: <u>8.23.17</u>	 Gil A. Marvilla SVP & Resident Manager Date: <u>8/23/17</u>